

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Samuel F. Baxter

**DEFENDANTS**

Chelsea L. Davis

(b) County of Residence of First Listed Plaintiff Harrison  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Collin  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Ross Wells  
[see attachment]

Attorneys (If Known)  
Pro-se: Chelsea L. Davis, 2068 Meadow View Dr., Princeton, TX 75407.  
[see attachment]

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

| CONTRACT  | TORTS  | FORFEITURE/PENALTY   | BANKRUPTCY  | OTHER STATUTES  |   |
|---|--|--|---|---|---|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input checked="" type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property  | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education   | <b>PRISONER PETITIONS</b><br><b>Habeas Corpus:</b><br><input type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement                                |   |   |   |

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☒ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

28 USCS 2283, REMOVAL STATUTES, 28 USC 1367  
Do not cite jurisdictional statutes unless diversity:

Brief description of cause:

UNLAWFUL AntiSuit Injunction, Declaratory Judgment/Injunctive Relief

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.    DEMAND \$    CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes    ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE [See Notice]

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

/s/Chelsea L. Davis

**FOR OFFICE USE ONLY**

RECEIPT #    AMOUNT    APPLYING IFP    JUDGE    MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**CHELSEA L. DAVIS,**

**Plaintiff,**

**vs.**

**SAMUEL F. BAXTER,**

**Defendant.**

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§

**CIVIL ACTION NO. \_\_\_\_\_**

**DEFENDANT'S NOTICE OF REMOVAL**

Pursuant to Fed. R. Civ. P. 81 and Local Rule CV-81, Defendant, Samuel F. Baxter, files this Notice of Removal under 28 U.S.C. §1446(a).

**A.**

**INTRODUCTION - LIST OF PARTIES AND COUNSEL**

1. Plaintiff is Chelsea L. Davis. Defendant is Samuel F. Baxter.
2. Plaintiff is pro se, State Bar No. 24059652, and her contact information is 25 Highland Park Vlg., Ste. 100-830, Dallas, Texas 75206, Telephone: 469-426-5850. Counsel for Samuel F. Baxter are Richard M. Abernathy, State Bar No. 00809500, and Ross Wells, State Bar No. 24047087, Abernathy, Roeder, Boyd & Joplin, P.C., 1700 Redbud Blvd., Suite 300, McKinney, Texas 75069-1210, Telephone: 214-544-4000.
3. Plaintiff filed suit against Defendant on August 27, 2013 in Texas State District Court in Collin County, Texas. The state court's address is 2100 Bloomdale Road, Suite 10030, McKinney, Texas 75071.
4. Defendant was served with the citation and original petition in this matter on August 28, 2013. This Notice of Removal is filed within 30 days of Defendant's receipt of the petition and citation and is timely filed pursuant to 28 U.S.C. §1446(b).

**B.**  
**BASIS FOR REMOVAL**

5. Removal is proper because Plaintiff's suit arises out of federal law. 28 U.S.C. §§1331, 1441(b). Specifically, Plaintiff asserts a claim under the Trafficking Victims Protection Act, 18 USC § 1595, for Human Trafficking. Human Trafficking is not a recognized cause of action under Texas state law. The Trafficking Victims Protection Act, however, provides a civil remedy for the allegations Plaintiff Davis has made in her Human Trafficking claim. 18 USC §§ 1591 and 1595. The Trafficking Victims Protection Act requires that suit be filed "in an appropriate district court of the United States...." 18 USC § 1595.

6. Copies of all pleadings, process, orders and other filings in the state court suit are attached to this notice as required by 28 U.S.C. §1446(a). Plaintiff Davis's claims are subject to a valid, enforceable arbitration agreement and Defendant intends to seek to compel arbitration of this matter.

7. Venue is proper in this District under 28 U.S.C. §1446(a) because the state court where the suit has been pending is located in this district.

8. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

**C.**  
**NO JURY DEMAND**

9. Plaintiff did not demand a jury in the state court case. Defendant has not demanded a jury trial in the state court case either.

**D.**  
**CONCLUSION**

10. Removal of this case is proper because it arises under federal law.

Respectfully submitted,

ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.

By: /Ross Wells/

**Richard M. Abernathy**

State Bar No. 00809500

**Ross Wells**

State Bar No. 24047087

1700 Redbud Blvd., Ste. 300

McKinney, Texas 75069

(214) 544-4000 Telephone

(214) 544-4040 Facsimile

**ATTORNEYS FOR DEFENDANT**

**SAMUEL F. BAXTER**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing was served on the 9<sup>th</sup> day of September 2013 to the following via certified mail, return receipt requested:

Chelsea L. Davis

25 Highland Park Vlg., Ste. 100-830

Dallas, Texas 75205

Facsimile: (972) 803-3576

/Ross Wells/

CAUSE NO. DC-13-12834-M

CHELSEA L. DAVIS,

Plaintiff,

v.

McKOOL SMITH P.C.,  
SAMUEL F. BAXTER,

Defendants.

§ IN THE DISTRICT COURT  
§  
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§  
§ 298<sup>TH</sup> JUDICIAL DISTRICT OF  
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§  
§ DALLAS COUNTY, TEXAS

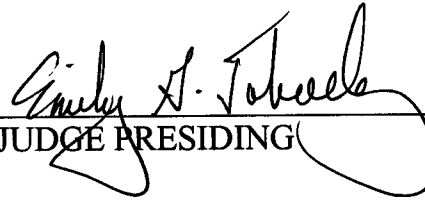
**ORDER GRANTING EMERGENCY SUPPLEMENTAL MOTION FOR  
TEMPORARY SEALING ORDER AND MOTION TO STAY**

The Court, having considered Defendants' Emergency Supplemental Motion for Temporary Sealing Order and Motion to Stay, finds that (1) the requirements of TEX. R. Civ. P. 76a(5) have been satisfied and that the temporary sealing order previously entered herein should be amended as follows, and (2) that there is good cause to waive the 3 day notice of hearing requirement of Tex. R. Civ. P. 21. It is therefore

ORDERED that Plaintiff's First Amended Petition ("Petition"), together with (1) any subsequent amendment or supplement to the Petition, and (2) any other filing containing similar allegations to the Petition that Plaintiff attempts to file in the above-captioned action, is hereby placed under seal until such time as the hearing on Defendants' Motion for Permanent Sealing Order shall is held on December 6, 2013 at 4:00 p.m. (the "Sealing Hearing"). It is further

ORDERED that, until the Sealing Hearing and the hearing on Defendants' motion to transfer this action to the 254<sup>th</sup> Judicial District Court, this action is hereby stayed for all purposes other than matters relating to the motion to seal.

SO ORDERED this 6 day of November, 2013.

  
JUDGE PRESIDING

CAUSE NO. DC-13-12834-M

|                    |   |  |
|--------------------|---|--|
| CHELSEA L. DAVIS,  | § | IN THE DISTRICT COURT                  |
|                    | § |  |
| Plaintiff,         | § |  |
|                    | § |  |
| v.                 | § | 298 <sup>TH</sup> JUDICIAL DISTRICT OF |
|                    | § |  |
| McKOOL SMITH P.C., | § |  |
| SAMUEL F. BAXTER,  | § |  |
|                    | § |  |
| Defendants.        | § | DALLAS COUNTY, TEXAS                   |

**MOTION FOR TEMPORARY AND  
PERMANENT SEALING ORDER**

Defendants McKool Smith P.C. (“McKool Smith”) and Samuel F. Baxter (“Baxter”) file this Motion for Temporary and Permanent Sealing Order, requesting that this Court enter an order sealing court records under TEX. R. CIV. P. 76a and based on a prior sealing order in the 254th District Court.

**I. INTRODUCTION**

This action is the latest in a series of increasingly outlandish allegations made by Plaintiff Chelsea L. Davis as part of an effort to blackmail McKool Smith and Baxter, who is a McKool Smith shareholder. Plaintiff was previously employed at McKool Smith and was terminated for cause. She claims at some point that she began a relationship with Les Ware (“Ware”), a Dallas lawyer, which later terminated. As Davis alleges in her petition, Ware previously filed an action to prevent ongoing harassment from Davis and she filed counterclaims similar to the present matter, and such action was eventually nonsuited. Thereafter Plaintiff embarked on a campaign to increasingly harass

Ware, Baxter, and McKool Smith. Plaintiff's conduct has grown increasingly erratic and dangerous as time goes by. Indeed, based on a complaint by Ware and his wife, Plaintiff was arrested last week for felony stalking.

Undeterred, Plaintiff has now filed this action in the apparent hope that by making her false and scandalous allegations public she will force McKool Smith and Baxter to pay her money as she has repeatedly demanded. The Court should not assist this effort, but should seal the Original Petition ("Petition") in this action to prevent unjustified and irreparable harm to McKool Smith and Baxter.

## **II. ARGUMENT**

Defendants have not yet been served in this action, and only learned the contents of the Petition several hours ago. Time constraints prevent, therefore, a detailed history of Plaintiff's harassment and attempted extortion of McKool Smith and Baxter over the last ten months. As the Petition itself reflects, however, Plaintiff has previously filed claims similar to those asserted in the Petition against Baxter, which she then voluntarily dismissed. As Ms. Davis notes in the petition, there is presently a pending grievance against her before the State Bar. In addition, Plaintiff recently filed an application for an ex parte protective order in the 254<sup>th</sup> Judicial District Court of Dallas County (the "Prior Court") based on similar allegations to those in the Petition. The Prior Court, on motion by Ware and Baxter and supported by Affidavit of Brian Lidji, entered an order sealing all documents in that action.<sup>1</sup> True and correct copies of the motion to seal, the Affidavit

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<sup>1</sup> Pursuant to Local Rule 1.08, Defendants are advising the Court of the pendency of the proceeding in the Prior Court.



of Brian Lidji, and the sealing order entered by the Prior Court are attached hereto as Exhibits A, B, and C, respectively.

Similarly, the Petition in this case should be sealed under Rule 76a. McKool Smith and Baxter have a compelling interest in their privacy and professional reputation, which clearly outweighs the presumption that court records should be open, and there is no potential adverse effect that sealing would have on general public health or safety. Moreover, given that the Petition consists almost entirely of Plaintiff's salacious allegations, there is no less restrictive means than sealing the entire document that would adequately and effectively protect Defendants' interests. If the false allegations that are contained in the Petition are disclosed before the Court has an opportunity to conduct a full hearing on the Motion for Permanent Sealing Order, McKool Smith, Baxter, and numerous third parties that Plaintiff gratuitously identifies in the Petition will suffer immediate and irreparable harm.

Moreover, by filing this action in a separate court, Plaintiff obviously seeks to subvert the sealing order that was entered by the Prior Court. The Prior Court had already determined that pleadings such as the Petition should be filed under seal. Plaintiff should not be allowed to avoid the effect of this prior sealing order.

### **III. RELIEF REQUESTED**

Accordingly, Defendants respectfully requests that the Court enter (1) a temporary order sealing the Petition until such time as Defendants' request for permanent sealing order is decided; and (2) upon proper notice and hearing, a permanent sealing order.

Respectfully submitted,

By: 


A. Erin Dwyer  
State Bar No. 06302700  
Don Colleluori  
State Bar No. 04581950

FIGARI & DAVENPORT, L.L.P.  
3400 Bank of America Plaza  
901 Main Street, LB 125  
Dallas, Texas 75202-3796  
Tel: 214/ 939-2000  
Fax: 214/ 939-2090

ATTORNEYS FOR DEFENDANT  
McKOOL SMITH, P.C. and  
SAMUEL F. BAXTER

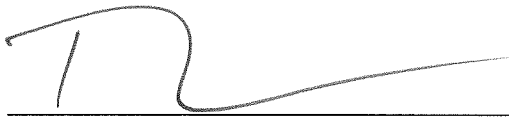
**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that he conferred with Plaintiff, who advised that she was opposed to the relief sought in this Motion.

  
\_\_\_\_\_  
Don Colleluori

**CERTIFICATE OF SERVICE**

I hereby certify that on October 29th, 2013, a true and correct copy of the foregoing document was served via email and Certified Mail, Return Receipt Requested on Plaintiff Chelsea L. Davis, 25 Highland Park Vlg., Ste. 100-830, Dallas, Texas 75205.

  
\_\_\_\_\_  
Don Colleluori

VERIFICATION

STATE OF TEXAS

§

§

COUNTY OF HARRISON

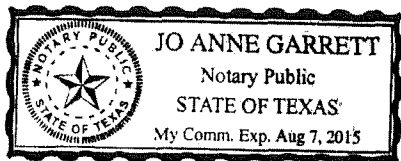
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BEFORE ME, the undersigned authority, on this day personally appeared Samuel Baxter, Shareholder of McKool Smith, P.C., who being by me duly sworn on oath, states that he has read the foregoing motion, and that such facts are true and correct.

*Sam Baxter*

Samuel Baxter

SUBSCRIBED AND SWORN TO BEFORE ME on this 29th day of October, 2013.



*Jo Anne Garrett*

Notary Public in and for the State of Texas

Commission Expires: 8/7/2015

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CAUSE NO. DF-13-19281

**CHELSEA L. DAVIS,**  
Applicant

Y.

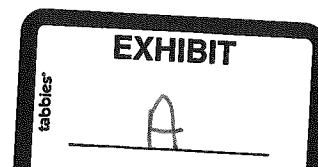
**LESLIE D. WARE AND  
SAMUEL F. BAXTER**  
Respondents

IN THE DISTRICT COURT  
254TH JUDICIAL DISTRICT  
DALLAS COUNTY, TEXAS

## MOTION TO SEAL COURT RECORDS

This Motion to Seal Court Records is brought by Respondents, Leslie D. Ware and Samuel F. Baxter. In support they would show:

1. This is an action allegedly arising out of the Texas Family Code by virtue of having been filed in this Court; therefore, the documents filed in this case are not subject to the standards for sealing court records set forth in Rule 76(a)2(3) of the Texas Rules of Civil Procedure.
2. Applicant has made a variety of allegations against Respondents in a number of different lawsuits; in this proceeding, Applicant has made new and revised allegations. Each of those suits filed by Applicant were voluntarily dismissed by Applicant, in each case before any discovery was conducted. *See the affidavit of Brian M. Lidji attorney for the Respondents attached as Exhibit A and incorporated herein for all purposes.*
3. Applicant, a lawyer herself, sought a Criminal Protective Order in a civil court. Though she knew this Court was not the proper forum for her allegations, she sought a Protective Order to harass and publicly humiliate Respondents. The Court should therefore dismiss Applicant's Petition.
4. Applicant's Petition is groundless and brought for the purpose of harassing and attempting to create publicity about Respondents concerning Applicants ever changing allegations. Applicant allegations are libelous in nature; they have the potential of causing immediate and irreparable injury to Respondents, who are also attorneys.

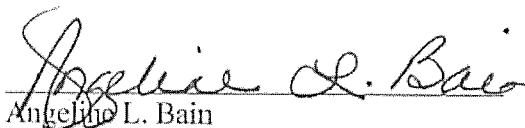


5. Until this Court can determine if it has jurisdiction to hear Applicant's Petition, this court should grant this Motion to Seal Records to prevent any possible harm to Respondents' reputation, their businesses and their profession.
6. The sealing of the records in this action will not have an adverse effect on the public health or safety and do not involve matters that should be available to the general public.

WHEREFORE, Respondents requests that the Court seal the records of this cause and order that they shall be open only to the parties to this suit and any attorney of record for each party.

Respondents pray that the Court grant them Motion to Seal Court Records.

Respectfully submitted,



Angelina L. Bain

of Goranson Bain, PLLC

State Bar No. 11956100

8350 N. Central Expressway, Suite 1700

Dallas, Texas 75206

Attorney for Respondents

Certificate of Service

I certify that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on Oct. 18, 2013.

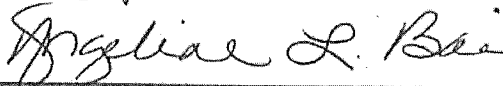


Angelina L. Bain

Attorney for Respondents

Certificate of Conference

I certify that my co-counsel Brian Lidi conferred with Petitioner and she did not agree. She was told of the time we would present the Motion.



**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

To: **SAMUEL F BAXTER  
400 CREEKSIDE DR  
MARSHALL TX 75670-4144**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **298th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **CHELSEA L DAVIS**

Filed in said Court **28th day of October, 2013** against

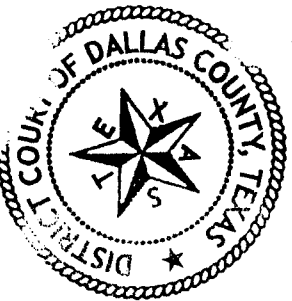
**SAMUEL F BAXTER, ET AL**

For Suit, said suit being numbered **DC-13-12834**, the nature of which demand is as follows:  
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

**WITNESS: GARY FITZSIMMONS**, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 29th day of October, 2013.

**ATTEST: GARY FITZSIMMONS**, Clerk of the District Courts of Dallas, County, Texas

By , Deputy  
CRYSTAL MCDOWELL



ATTY

**CITATION**

**DC-13-12834**

**CHELSEA L DAVIS**

vs.

**MCKOOL SMITH PC, et al**

**ISSUED THIS**

**29th day of October, 2013**

**GARY FITZSIMMONS**

Clerk District Courts,  
Dallas County, Texas

By: **CRYSTAL MCDOWELL**, Deputy

**Attorney for Plaintiff**

**CHELSEA L DAVIS, PRO-SE**  
25 HIGHLAND PARK VLG.,  
STE. 100-830  
DALLAS, TX 75205  
469 426-5850

**DALLAS COUNTY CONSTABLE**  
**FEES NOT PAID**

**FORM NO. 353-3 - CITATION  
THE STATE OF TEXAS**

**To: MCKOOL SMITH PC  
300 CRESCENT COURT STE. 1500  
DALLAS, TX 75201**

**GREETINGS:**

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **298th District Court** at 600 Commerce Street, Ste. 101, Dallas, Texas 75202.

Said Plaintiff being **CHELSEA L DAVIS**

Filed in said Court **28th day of October, 2013** against

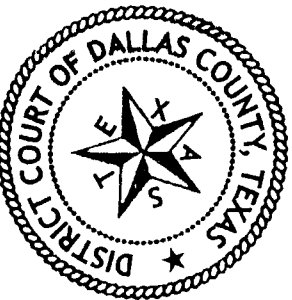
**SAMUEL F BAXTER, ET AL**

For Suit, said suit being numbered **DC-13-12834**, the nature of which demand is as follows:  
Suit on **OTHER PERSONAL INJURY** etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

**WITNESS: GARY FITZSIMMONS**, Clerk of the District Courts of Dallas, County Texas.  
Given under my hand and the Seal of said Court at office this 29th day of October, 2013.

**ATTEST: GARY FITZSIMMONS**, Clerk of the District Courts of Dallas, County, Texas

By *Crystal McDowell*, Deputy  
CRYSTAL MCDOWELL



**ATTY**

**CITATION**

**DC-13-12834**

**CHELSEA L DAVIS**

**vs.**

**MCKOOL SMITH PC, et al**

**ISSUED THIS**

**29th day of October, 2013**

**GARY FITZSIMMONS**

Clerk District Courts,  
Dallas County, Texas

By: CRYSTAL MCDOWELL, Deputy

**Attorney for Plaintiff**

**CHELSEA L DAVIS, PRO-SE**  
25 HIGHLAND PARK VLG.,

STE. 100-830

DALLAS, TX 75205

469 426-5850

**DALLAS COUNTY CONSTABLE**

**FEEES NOT**

**PAID**

**FEEES NOT**

**PAID**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**CHELSEA L. DAVIS,**

**Plaintiff,**

**vs.**

**SAMUEL F. BAXTER,**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§

**CASE NO. 4:13-cv-00514**

**DEFENDANT'S ORIGINAL ANSWER**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to Federal Rule of Civil Procedure 12 Samuel F. Baxter ("Defendant") files this his Original Answer to Plaintiff's Complaint (the "Complaint") as follows:

**I.  
INTRODUCTORY STATEMENT**

1.1 Defendant is a shareholder with the law firm of McKool Smith PC ("MS"). Defendant has been an attorney for more than forty years and has an impeccable reputation. Plaintiff Davis is a former and disgruntled employee of MS who was hired in April 2010 and whose employment was terminated for cause, approximately 10 months later, in January 2011.

1.2 Since early 2013, over two years after her departure from MS, Plaintiff Davis has harassed and threatened Defendant and Defendant's family, including making death threats to his family and children. Plaintiff Davis has similarly harassed and threatened others, including making death threats against another attorney's family. Plaintiff Davis's demands change regularly, and range from demanding Dallas Cowboy tickets to being paid tens of millions of dollars.



1.3 The public record contains other instances of Plaintiff Davis's unsettling behavior. In 2011, her natural father sued Plaintiff Davis seeking injunctive relief against her because of threats against him, including making death threats. The court granted a Temporary Restraining Order and then a Temporary Injunction against Plaintiff Davis. (See Paul Edward Davis and Laramar McAlister Davis v. Chelsea Lynn Davis and Terri Roberts, Cause No. DC-11-10996, in the 191st Judicial District Court of Dallas County, Texas.)

1.4 Dallas Police Reports reflect similarly unsettling behavior. For example, on February 5, 2013, Plaintiff Davis told the Dallas Police that she was being watched by Navy Seals and her phone and computer had been tapped. She told the police that she was involved in a sex ring with approximately twenty males and females giving HIV to the individuals with whom they have sex. She told the police she feels unsafe and afraid that the snipers are going to kill her. The police also reported that she made multiple calls to 911 on that date and had "multiple episodes in previous days."

1.5 The Court should view Plaintiff Davis's allegations and claims with extreme skepticism.

1.6 Plaintiff Davis's claims are subject to a valid, enforceable arbitration agreement and Defendant intends to seek to compel arbitration of this matter.

## **II.**

### **ADMISSIONS AND DENIALS**

2.1 Defendant denies the allegations in paragraph I.1 since this case has been removed to this Court.

2.2 Defendant is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph II.1.

2.3 Defendant admits the allegations in paragraph II.2.

2.4 Defendant denies the allegations in paragraph III.1 as stated but admits that this Court has jurisdiction.

2.5 Defendant denies the allegations in paragraph III.2 as stated but admits that venue is proper in this Court.

2.6 As to Plaintiff Davis's allegations in paragraph IV.1, Defendant admits that Plaintiff Davis earned an engineering degree from Duke University in 2004, Plaintiff Davis applied for a job at MS, Defendant interviewed Plaintiff Davis, and Plaintiff Davis accepted an offer from MS. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph IV.1.

2.7 As to Plaintiff Davis's allegations in paragraph IV.2, Defendant admits that Defendant is a former Texas State District Judge and District Attorney for Harrison County, Texas, which is located in the Eastern District of Texas, and Defendant was inducted into the American College of Trial Lawyers. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations as phrased in paragraph IV.2.

2.8 Defendant denies the allegations in paragraph IV.3.

2.9 Defendant denies the allegations in paragraph IV.4.

2.10 Defendant denies the allegations in paragraph IV.5.

2.11 Defendant denies the allegations in paragraph IV.6.

2.12 Defendant denies the allegations in paragraph IV.7.

2.13 Defendant denies the allegations in paragraph IV.8.

2.14 Defendant denies the allegations in paragraph IV.9.

- 2.15 Defendant denies the allegations in paragraph IV.10.
- 2.16 Defendant denies the allegations in paragraph IV.11.
- 2.17 Defendant denies the allegations in paragraph IV.12.
- 2.18 Defendant denies the allegations in paragraph IV.13.
- 2.19 Defendant denies the allegations in paragraph IV.14.
- 2.20 Defendant denies the allegations in paragraph IV.15.

**III.**  
**OTHER MATTERS**

Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

**IV.**  
**PRAYER**

WHEREFORE, PREMISES CONSIDERED, and subject to any request for arbitration that may be made Defendant prays that the Court deny Plaintiff Davis all relief sought, award Defendant his costs and fees associated with defending this suit, and all other relief to which he may show himself justly entitled.

Respectfully submitted,

ABERNATHY, ROEDER, BOYD & JOPLIN, P.C.

By: /Ross Wells/  
**Richard M. Abernathy**  
State Bar No. 00809500  
**Ross Wells**  
State Bar No. 24047087  
1700 Redbud Blvd., Ste. 300  
McKinney, Texas 75069  
(214) 544-4000 Telephone  
(214) 544-4040 Facsimile

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing was served on the 10th day of September 2013 to the following via certified mail, return receipt requested:

Chelsea L. Davis  
25 Highland Park Vlg., Ste. 100-830  
Dallas, Texas 75205  
Facsimile: (972) 803-3576

/Ross Wells/



Chelsea Davis <cdavis@chelseadavispc.com>

---

## Activity in Case 4:13-cv-00514-RC-ALM Davis v. Baxter Complaint

1 message

---

txedCM@txed.uscourts.gov <txedCM@txed.uscourts.gov>  
To: txedcmcc@txed.uscourts.gov

Tue, Sep 10, 2013 at 8:23 AM

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court [LIVE]

Eastern District of TEXAS

### Notice of Electronic Filing

The following transaction was entered on 9/10/2013 at 8:22 AM CDT and filed on 9/10/2013

**Case Name:** Davis v. Baxter  
**Case Number:** 4:13-cv-00514-RC-ALM  
**Filer:** Chelsea L Davis  
**Document Number:** 3

**Docket Text:**

**\*\*\*PREVIOUSLY FILED IN STATE COURT\*\*\*COMPLAINT against Samuel F. Baxter, filed by Chelsea L Davis.(cm, )**

**4:13-cv-00514-RC-ALM Notice has been electronically mailed to:**

Ross Wells [rwells@abernathy-law.com](mailto:rwells@abernathy-law.com), [bcravens@abernathy-law.com](mailto:bcravens@abernathy-law.com), [panthony@abernathy-law.com](mailto:panthony@abernathy-law.com)

Chelsea Lynn Davis [chelsea.davis@bakerbotts.com](mailto:chelsea.davis@bakerbotts.com)

**4:13-cv-00514-RC-ALM Notice will not be electronically mailed to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document  
**Original filename:**n/a  
**Electronic document Stamp:**

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**Activity in Case 4:13-cv-00514-RC-ALM Davis v. Baxter Answer to Complaint**

**txedCM@txed.uscourts.gov** <txedCM@txed.uscourts.gov> Tue, Sep 10, 2013 at 11:28 AM  
To: txedcmcc@txed.uscourts.gov

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## Eastern District of TEXAS

The following transaction was entered by Wells, Ross on 9/10/2013 at 11:28 AM CDT and filed on 9/10/2013

**Docket Text:**

**4:13-cv-00514-RC-ALM Notice has been electronically mailed to:**

Chelsea Lynn Davis     cdavis@chelseadavispc.com

Ross Wells &nbsp;   [r wells@abernathy-law.com](mailto:r wells@abernathy-law.com), [bcravens@abernathy-law.com](mailto:bcravens@abernathy-law.com),  
[panthony@abernathy-law.com](mailto:panthony@abernathy-law.com)

**4:13-cv-00514-RC-ALM Notice will not be electronically mailed to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

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Chelsea Davis <cdavis@chelseadavispc.com>

---

## Activity in Case 4:13-cv-00514-RC-ALM Davis v. Baxter Notice of Magistrate Availability

1 message

---

txedCM@txed.uscourts.gov <txedCM@txed.uscourts.gov>  
To: txedcmcc@txed.uscourts.gov

Tue, Sep 10, 2013 at 8:22 AM

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court [LIVE]

Eastern District of TEXAS

### Notice of Electronic Filing

The following transaction was entered on 9/10/2013 at 8:22 AM CDT and filed on 9/9/2013

**Case Name:** Davis v. Baxter

**Case Number:** 4:13-cv-00514-RC-ALM

**Filer:**

**Document Number:** No document attached

**Docket Text:**

**In accordance with the provisions of 28 USC Section 636(c), you are hereby notified that a U.S. Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or non-jury trial and to order the entry of a final judgment. The form **Consent to Proceed Before Magistrate Judge** is available on our website. All signed consent forms, excluding pro se parties, should be filed electronically using the event *Notice of Consent to Proceed Before Magistrate Judge*. (cm, )**

**4:13-cv-00514-RC-ALM Notice has been electronically mailed to:**

Ross Wells [rwells@abernathy-law.com](mailto:rwells@abernathy-law.com), [bcravens@abernathy-law.com](mailto:bcravens@abernathy-law.com), [panthony@abernathy-law.com](mailto:panthony@abernathy-law.com)

Chelsea Lynn Davis [chelsea.davis@bakerbotts.com](mailto:chelsea.davis@bakerbotts.com)

**4:13-cv-00514-RC-ALM Notice will not be electronically mailed to:**



TANGERINE™

Chelsea Davis <cdavis@chelseadavispc.com>

---

## Activity in Case 4:13-cv-00514-RC-ALM Davis v. Baxter Case Assigned/Reassigned

1 message

---

txedCM@txed.uscourts.gov <txedCM@txed.uscourts.gov>  
To: txedcmcc@txed.uscourts.gov

Tue, Sep 10, 2013 at 8:21 AM

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U.S. District Court [LIVE]

Eastern District of TEXAS

### Notice of Electronic Filing

The following transaction was entered on 9/10/2013 at 8:21 AM CDT and filed on 9/9/2013

**Case Name:** Davis v. Baxter

**Case Number:** 4:13-cv-00514-RC-ALM

**Filer:**

**Document Number:** 2

**Docket Text:**

**Case Assigned to Judge Ron Clark and Magistrate Judge Amos L. Mazzant Pursuant to a Standing Order. (cm, )**

**4:13-cv-00514-RC-ALM Notice has been electronically mailed to:**

Chelsea Lynn Davis &nbsp; &nbsp; &nbsp; [chelsea.davis@bakerbotts.com](mailto:chelsea.davis@bakerbotts.com)

Ross Wells &nbsp; &nbsp; &nbsp; [rwells@abernathy-law.com](mailto:rwells@abernathy-law.com), [bcravens@abernathy-law.com](mailto:bcravens@abernathy-law.com),  
[panthony@abernathy-law.com](mailto:panthony@abernathy-law.com)

**4:13-cv-00514-RC-ALM Notice will not be electronically mailed to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

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Activity in Case 4:13-cv-00514 Davis v. Baxter Notice of Removal

Mon, Sep 9, 2013 at 2:25 PM

**Document description:**Main Document  
**Original filename:**n/a

**Electronic document Stamp:**

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943213d928ad2e2059f3aa752a48be6466d242d5593f39314ca8fa3e1e3a]]

Form #329 - NOTICE OF HEARING ON FIRST AMENDED APPLICATION FOR A PROTECTIVE ORDER

CAUSE NO. DF-13-19281

STYLE  
CHELSEA L DAVIS vs. LESLIE WARE AND  
SAMUEL F BAXTER

SERVICE OFFICER: ATTY  
Clerk's fees \$8.00  
Officer's fees collected \$  
Officer's fees not collected SXXX  
Costs not complied with \$  
Affidavit Inability to Pay \$

THE STATE OF TEXAS

TO: CHELSEA L DAVIS, 2068 MEADOW VIEW ROAD, PRINCETON, TEXAS 75407

GREETINGS:

YOU ARE HEREBY NOTIFIED THAT A HEARING IS SET FOR 9:00 AM, 17 FEBUARY 2015,  
254TH JUDICIAL DISTRICT, 600 COMMERCE STREET, DALLAS, TEXAS 75202

HEREIN FAIL NOT, but of this writ make due return showing how you have executed the same.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts, Dallas County, Texas.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at office in the City of Dallas, ON THIS THE  
22ND DAY OF AUGUST, 2014.

Issued at request of:

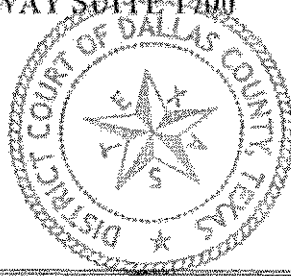
ANGELINE L BAIN

8350 N CENTRAL EXPRESSWAY SUITE 1700

DALLAS, TEXAS 75206

214-373-7676

ABAIN@GBFAMILYLAW.COM



ATTEST: GARY FITZSIMMONS

Clerk of the District Courts

Dallas County, Texas

By ARMANDO MENDOZA, Deputy

OFFICER'S RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,  
and executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,  
delivering to \_\_\_\_\_ the within named \_\_\_\_\_  
\_\_\_\_\_, in person, a true copy of this Notice.

FEES:

Serving Notice: \$ \_\_\_\_\_

Mileage: \$ \_\_\_\_\_

TOTAL: \$ \_\_\_\_\_

Officer \_\_\_\_\_ County \_\_\_\_\_

By: \_\_\_\_\_ Deputy

NOT

CAUSE NO. DF-13-19281

CHELSEA L. DAVIS,  
Applicant

IN THE DISTRICT COURT

v.

254TH JUDICIAL DISTRICT

LESLIE D. WARE AND  
SAMUEL F. BAXTER  
Respondents

DALLAS COUNTY, TEXAS

NOTICE OF HEARING ON  
FIRST AMENDED APPLICATION FOR PROTECTIVE ORDER

A hearing on the First Amended Application for a Protective Order is set for 9:00 a.m. on the 17th day of February, 2015 before the Honorable James Martin of the 254<sup>th</sup> Judicial District Court of Dallas County, Texas.

SIGNED this 11 day of August, 2014.

*James B. Martin*  
JUDGE CLERK

CERTIFICATE OF SERVICE

I certify that a true copy of the above was forwarded to all attorneys of record and/or parties in accordance with the Texas Rules of Civil Procedure on the 5 day of August, 2014

*Angeline L. Bain*  
Attorney for Respondents

NOTICE OF HEARING - PAGE SOLO